

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SEP 12 2005

UNITED STATES OF AMERICA]

- against -]

ARMANDO BOTTA]

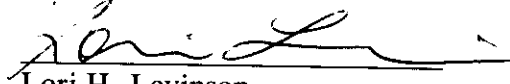
05CR30002-MAP

MOTION TO DISMISS

Now comes the defendant, Armando Botta, by and through his attorney, Lori H. Levinson, and hereby moves pursuant to Rule 12(b)(2) of the Federal Rules of Criminal Procedure to Dismiss the indictment pending against him. As grounds therefore, the defendant states that the charges in the indictment fail to set forth an offense because the indictment fails to allege any specific acts constituting the crimes charged. The indictment fails to state with specificity any acts constituting an extension of credit, it fails to allege any indebtedness and fails to set forth any facts supporting the allegation that Armando Botta either extended credit or participated in a conspiracy to do so. There is a complete lack of allegations setting forth any acts by which the government charges Mr. Botta with joining a conspiracy or committing any acts in furtherance of a conspiracy. Finally, there are no allegations setting forth any acts of violence or other criminal means on the part of Mr. Botta in order to commit the crimes charged.

Respectfully submitted,
ARMANO BOTTA

By His Attorney

A handwritten signature in dark ink, appearing to read "Lori H. Levinson", written over a horizontal line.

Lori H. Levinson

BBO#566685

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Dated: September 9, 2005